

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.24633 of 1998

Dated 7th Day of March, 2007

Between:

Singu Janardhan Reddy
and two others
Petitioners

□ □

And

The District Collector,
R.R. District at Lakdikapool, Hyderabad
and two others
Respondents

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ORDER:

This writ petition is filed seeking a mandamus to declare the Notification dated 14.7.1998 issued under Section 4(1) of the Land Acquisition Act in respect of Ac.3.00 cents of land in S.No.495/2 situated at Polkampally village, as arbitrary and illegal.

The brief facts of the case are that the petitioners purchased agricultural wet land of an extent of Ac.3.00 cents in S.No.495/2 situated at Polkampally village, Ibrahimpatnam Mandal, R.R. District in the year 1973 and since then they are the absolute owners and possessors of the land in question. Now, their grievance is that the respondents issued Notification under Section 4(1) of the Land Acquisition Act, 1894 (for brevity "the Act") proposing to acquire their lands for the purpose of providing house sites to S.Cs., S.Ts. and B.Cs.

Heard the learned counsel for both the parties.

This Court, on 10.11.1998, while ordering Rule Nisi, directed the respondents not to dispossess the petitioners from the land in question. The respondents filed a counter affidavit wherein it is clearly stated that in view of the interim orders passed by this Court, the acquisition proceedings could not be processed.

From the above, it is clear that the respondents have not issued any draft declaration as per the provisions of the Act. According to Section 6 of the Act, draft declaration shall be published within a period of one year from the date of publication of the Notification under

Section 4(1) of the Act. Having regard to the fact that no draft declaration was published within the prescribed period, this Court is of the view that the Notification under Section 4(1) of the Act is liable to be quashed.

In the result, the writ petition is allowed quashing the Notification dated 14.7.1998 issued under Section 4(1) of the Act. No costs.

bcj

07.03.2007